

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

2006 APR 13 P 4: 38

**AUTO-OWNERS INSURANCE  
COMPANY, a mutual insurance  
company incorporated in the  
State of Michigan,**

**Plaintiff,**

**v.**

**JACK J. RUSCH, an individual; and  
BARBOUR COUNTY HISTORICAL  
PRESERVATION AUTHORITY, a  
corporation;**

## Defendants.

**CIVIL ACTION NO.: 2:06-cv-123-MHT**

## REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held by counsel for the parties for the purposes of making the following report to the Court:

A. For The Plaintiff, Auto-Owners Insurance Company:

**Roger S. Morrow**  
**Joel H. Pearson**  
**Morrow, Romine & Pearson, P.C.**  
**122 South Hull Street**  
**P.O. Box 4804**  
**Montgomery, Alabama 36103-4804**

**B. For The Defendant, Barbour County Historical Preservation Authority:**

Walter B. Calton  
P.O. Box 696  
Eufaula, Alabama 36027

C. For the Defendant, Jack J. Rusch:

Unknown at this time

2. Pre-Discovery Disclosures. The parties will exchange by May 14, 2006, the information required by Fed.R.Civ.P. 26(a)(1).

3. Discovery Plan. The parties jointly propose to the court the following discovery plan:

Discovery will generally be needed on the insurance coverage issues involving the policy(ies) issued by Auto-Owners Insurance Company and all aspects of the claims asserted by Jack J. Rusch in the underlying civil action pending in the Circuit Court for Barbour County, Alabama, Eufaula Division, Case No.: CV-05-93.

All discovery commenced in time to be completed by November 17, 2006.

Maximum of 45 interrogatories by each party to any other party. Responses due 30 days after service.

Maximum of 30 requests for production of documents by each party to any other party. Responses due 30 days after service.

Maximum of 15 requests for admission by each party to any other party. Responses due 30 days after service.

Maximum of 5 depositions (excluding experts) by plaintiff and 5 by defendant unless otherwise agreed by the parties. Each deposition is limited to a maximum of 4 hours unless extended by agreement of the parties.

Reports from retained experts under Rule 26(a)(2) due:

from plaintiff(s) by August 30, 2006.

from defendant(s) by October 15, 2006.

Any party shall be allowed thirty days in which to identify rebuttal expert(s) following the identification of expert witness(es) by another party.

4. Other Items.

The parties do not request a conference with the court before entry of the scheduling order.

The parties request a pretrial conference in January, 2007.

Plaintiff shall be allowed until July 17, 2006 to join additional parties and amend the pleadings.

All potentially dispositive motions should be filed by November 28, 2006.


Settlement may be enhanced by the use of alternative dispute resolution procedures, but cannot be evaluated until the completion of discovery on November 28, 2006.

Final lists of witnesses (excluding experts) and exhibits under Rule 26(a)(3) due by no later than 30 days prior to trial.

Parties shall have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

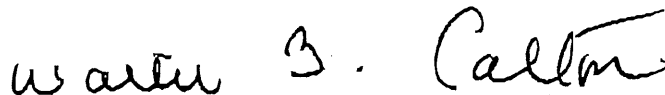
The parties to this non-jury action request that this case be tried in Montgomery during the Court's February 26, 2007 trial term, and at this time is expected to take approximately one to two days.

Date: April 13, 2006

  
\_\_\_\_\_  
ROGER S. MORROW, MOR032  
JOEL H. PEARSON, PEA019  
Attorneys for Plaintiff, Auto-owners  
Insurance Company

OF COUNSEL:

MORROW, ROMINE & PEARSON, P.C.  
122 South Hull Street  
P.O. Box 4804  
Montgomery, Alabama 36103-4804  
Telephone: (334) 262-7707  
Facsimile: (334) 262-7742

  
\_\_\_\_\_  
WALTER B. CALTON, CAL036  
Attorney for Defendant, Barbour County  
Historical Preservation Authority

OF COUNSEL:

P.O. Box 696  
Eufaula, Alabama 36027  
Telephone: (334) 687-2407  
Facsimile: (334) 687-2466